

Court of Appeals, State of Michigan

ORDER

Great Lakes Capital Fund for Housing v Erwin Companies LLC

Docket Nos. 349763; 349931

LC No. 18-035570-CB

Michael J. Kelly
Presiding Judge

Amy Ronayne Krause

Brock A. Swartzle
Judges

The Court orders that appellee's motion for actual and punitive damages and request for disciplinary action is **GRANTED IN PART** as follows. We conclude that an award of actual damages in favor of appellee is warranted both because of the multiple frivolous pleadings filed by appellants in these appeals and because it appears that these appeals were filed without any reasonable basis for belief that there was a meritorious issue to be determined on appeal. This matter is **REMANDED** to the trial court to determine and award actual damages to appellee for the costs it incurred due to appellants' conduct with regard to these vexatious appeals, including the filing of frivolous pleadings in this Court. Further, appellants may not file any further motion in these appeals, other than a timely motion for reconsideration of the present order, without first posting a \$15,000 appellate bond as security for additional costs that may be incurred by appellee.

We do not award punitive damages or impose further disciplinary action. However, this is without prejudice to the ability of appellee to make any report that it may determine appropriate to the Attorney Grievance Commission with regard to the present matter.

We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

June 10, 2020

Date



Chief Clerk